

FILED '09 FEB 02 13:30 USDC ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KEY BANK NATIONAL ASSOCIATION, )

Plaintiff, )

v. )

RONALD G. VAN NOY, et al, )

Defendants. )

Civil Case No. 07-1076-HU

O R D E R

UNITED STATES OF AMERICA, )

Third-Party Plaintiffs, )

v. )

DENNIS D'ANNUNZIO, SUE ANN  
D'ANNUNZIO, f/k/a SUE ANN VAN  
NOY, and BARKLEN, LLC, )

Third-Party Defendants. )

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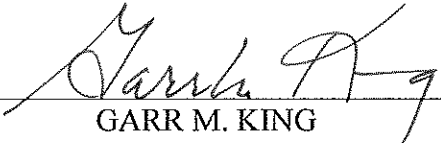
KING, Judge:

The Honorable Dennis J. Hubel, United States Magistrate Judge, filed Findings and Recommendation on January 14, 2009. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Hubel's Findings and Recommendation (#132).

IT IS HEREBY ORDERED that American Tower's Motion for Attorney's Fees (#117) and American Tower's Bill of Costs (#119) are granted in part. I award attorney fees of \$10,016.35 and costs of \$75.00.

DATED this 2<sup>nd</sup> day of February, 2009.

  
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GARR M. KING  
United States District Judge